

# **EXHIBIT B**

**EXHIBIT 4**

**Applications of U.S. Patent No. 8,943,500 to V-Migrate and V-Maestro (collectively, “Accused Products”)**

Plaintiff VirtaMove Corp. (“VirtaMove”) infringes claims 1–20 of the ’500 Patent (the “Asserted Claims”) under 35 U.S.C. § 271(a), (b), and (c). As set forth below, VirtaMove’s infringement is both direct and indirect.<sup>1</sup>

VirtaMove has directly infringed the ’500 Patent at least by making, using, offering to sell, selling, and/or importing into the United States its V-Migrate and V-Maestro (collectively, “Accused Products”) on or after the issuance date of the Patent.

VirtaMove induces infringement under 35 U.S.C. § 271(b) by providing the Accused Products, which are sold and specifically configured to infringe the Asserted Claims, to VirtaMove customers and partners in the United States. VirtaMove actively instructs and encourages its customers and partners on how to use the Accused Products, including through product manuals, advertising, and instructional videos. When used as instructed, VirtaMove’s customers and partners use these products to practice the systems of the ’500 Patent and directly infringe the Asserted Claims. On information and belief, VirtaMove specifically intends that its actions will result in infringement of the asserted claims of the ’500 Patent or subjectively believes that its actions will result in infringement of the Asserted Claims, but took deliberate actions to avoid learning of the facts.


As shown below, VirtaMove also contributes to infringement under 35 U.S.C. § 271(c) by providing the Accused Products, which embodies a material part of the claimed invention of the ’500 Patent, is known by VirtaMove to be specially made or adapted for use in an infringing manner, and is not with substantial non-infringing uses.

The Accused Products are specially designed to infringe the ’500 Patent and the accused components have no substantial non-infringing uses.


<b>Claim</b>	<b>US 8,943,500 Claim Term</b>	<b>Analysis</b>
1pre	A system, comprising:	To the extent that the preamble is limiting, the Accused Products comprise “[a] system” for updating isolated environments (containers) as applications request new resources.

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<sup>1</sup> Public information is limited regarding the Accused Products, and accordingly, IBM reserves the right to amend its infringement contentions based on productions and source code made available during discovery.

Claim	US 8,943,500 Claim Term	Analysis
		(https://virtamove.atlassian.net/wiki/spaces/VDOC/pages/314605794/Discovering+Resource+Usage)
1d	wherein the one or more isolated environments are created during installation of the one or more applications, and	<p>The Accused Products comprise a system “wherein the one or more isolated environments are created during installation of the one or more applications.”</p> <p>For example, “[i]n the new environment, run apps in the container for portability or isolation,” implying that the isolation is created during installation of the applications.</p>  <p>The screenshot shows the VirtaMove website with the navigation bar containing 'Solutions', 'Resources', 'Blog', 'Partners', and 'Company'. A 'GET STARTED' button is in the top right. The main heading is 'An Intelligent Approach to Migrating Server Applications'. Below this, it says 'VirtaMove Migration Intelligence Suite.' and describes the product's benefits for IT infrastructure modernization. A 'DOWNLOAD DATASHEET' button is at the bottom.</p> <p>(https://virtamove.com/resources/an-intelligent-approach-to-migrating-server-applications/)</p>

Claim	US 8,943,500 Claim Term	Analysis
		Indeed, installation of applications requires “[c]reat[ing] a virtual container” and “pre-populat[ing] the virtual container with applications,” where such containers are isolated environments, as already indicated.

Claim	US 8,943,500 Claim Term	Analysis
		<h2 data-bbox="653 237 1413 289">The Application Migration Process</h2> <div data-bbox="653 342 1150 406"> Owned by Thomas Farley (Deactivated) ... Last updated: Mar 25, 2022 • 2 min read</div> <p data-bbox="653 459 1335 492">Migrating an application involves the following steps:</p> <ol data-bbox="653 527 1785 1304" style="list-style-type: none"><li data-bbox="653 527 1785 662">1. Meet requirements for your environment as well as source and destination machines. See <a href="https://virtamove.atlassian.net/wiki/spaces/VDOC/pages/310706978">✖ https://virtamove.atlassian.net/wiki/spaces/VDOC/pages/310706978</a> Can't find link .</li><li data-bbox="653 686 1724 768">2. Double-click the <b>Administrative Console</b> shortcut icon on your desktop to start Administrative Console.</li><li data-bbox="653 792 1507 824">3. <u>Create a virtual container and connect it to the source machine.</u></li><li data-bbox="653 849 1774 930">4. <u>Pre-populate the virtual container with applications,</u> services, accounts, components, and files selected from the source machine.</li><li data-bbox="653 954 1675 1044">5. Run your virtualized application on the destination machine and exercise the application. See <a href="#">📖 Running and Exercising Your Application</a> .</li><li data-bbox="653 1068 1780 1304">6. Run VirtaMove Dissolve if you want to <u>remove the migration container from the application and transfer the application to the underlying operating system on the destination machine so that the application will behave as if natively installed.</u> Note that this process cannot be reversed. See <a href="#">📖 Dissolving a Virtual Container</a> . You may wish to keep the application running in the migration container, as required.</li></ol>